

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOHN KEVIN KENNEDY and	)	
LISA ANNE KENNEDY,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:12-CV-726-JAR
	)	
BAC HOME LOANS SERVICING, LP,	)	
and KOZENY & McCUBBIN, L.C,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiffs’ Motion Seeking Leave to File Amended Complaint in Lieu of Resolving Defendant’s Pending Motion to Dismiss [ECF No. 18]. In response to Plaintiffs’ Motion, Defendant Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, takes no position regarding Plaintiffs’ Motion. [ECF No. 20]. Defendant Kozeny & McCubbin, LC, did not respond to Plaintiffs’ Motion.

Under Federal Rule of Civil Procedure 15, a court should grant leave to amend freely “when justice so requires.” Fed.R.Civ.P. 15(a)(2). “[A]bsent a good reason for denial-such as undue delay, bad faith or dilatory motive, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the non-moving party, or futility of the amendment-leave to amend should be granted.” Brown v. Wallace, 957 F.2d 564, 566 (8th Cir.1992) (citing Thompson-El v. Jones, 876 F.2d 66, 67 (8th Cir. 1989)). The Court finds no “good reason” to deny Plaintiffs’ unopposed motion for leave to file their proposed amended complaint.

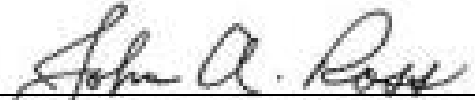
Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs’ Motion Seeking Leave to File Amended

Complaint in Lieu of Resolving Defendant's Pending Motion to Dismiss [18] is **GRANTED**.

**IT IS FURTHER ORDERED** that Bank of America's Motion to Dismiss [10] is **DENIED** as moot, without prejudice.

Dated this 16th day of July, 2012.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE